

### REMARKS

Favorable consideration and allowance are respectfully requested for claims 1-12 and 14-16 in view of the foregoing amendments and the following remarks.

The rejection of claims 1-13 under 35 U.S.C. § 103(a) as obvious over Boulet (U.S. 2,358,050) is respectfully traversed.

Claim 1 is amended to recite the limitations of previously-pending claim 13. Claim 13 is cancelled, without prejudice and without any disclaimer of the subject matter therein. No new matter is introduced by these amendments.

Claim 1 is directed to a method for producing coated barium sulfate, in which at least 90% of the particles have a primary grain diameter of less than 0.1  $\mu\text{m}$ . The method includes providing a wetting agent or a dispersing agent during or after precipitation of the resulting barium sulfate.

The Office Action asserts that col. 1, lines 7-11 on page 3 of Boulet indicates that the grain diameter of the barium sulfate can be regulated by adjusting the stirrer speed. However, this does not amount to a teaching that particles with a size of less than 0.1  $\mu\text{m}$  can be produced. There is nothing in Boulet to suggest to one of skill in the art to try to achieve particles with the size limitation recited in the claims. Teaching regulating the grain diameter does not amount to a teaching of the claimed size limitation.

The Office Action asserts that it would have been obvious to modify the process of Boulet to achieve smaller particle sizes. However, Boulet provides data for a process where the injection spouts are as close to the center as possible (the innermost position). At the innermost position, Boulet reports a settling volume of 6 cc.

✓ Attached to this response is a graph showing the settling volumes and observed grain sizes in Boulet. Point A on the graph corresponds to a settling ✓ volume of 36 cc with a grain size of 0.25  $\mu\text{m}$ . Point B corresponds to a settling volume of 15 cc with a grain size of 0.15  $\mu\text{m}$ . Based on these two points, one can determine that a settling volume of 6 cc, the smallest settling volume reported by

Boulet at the innermost nozzle position, should correspond to a grain size of 0.11  $\mu\text{m}$  (point C). Thus, at the innermost position, the process described by Boulet appears to be incapable of producing barium sulfate particles with a primary grain diameter of less than 0.1  $\mu\text{m}$ , as required by the claimed invention.

Additionally, Boulet does not disclose the distance between the nozzles and the mixer shown in the Figures, or the distance between the nozzles in the various positions described in the reference, such as the "innermost position." Boulet also provides no teaching or indication whether nozzle positions closer together than the "innermost position" are even physically possible. An obviousness rejection cannot be based on a modification of a reference that renders the teachings of a reference unsatisfactory for its intended purpose. (See MPEP 2143.01) Based on the evidence of record, it is not clear that Boulet can be physically modified to place the nozzles closer together than the "innermost position." Without further evidence in the record, such a modification cannot be used to form the basis of an obviousness rejection. For the above reasons, reconsideration and withdrawal of the rejection are respectfully requested.

Moreover, Boulet does not relate to coated barium sulfate as are the present claims. Because of the particular steps recited in the claims, only coated barium sulfate particles will be produced. Boulet does not teach the step of providing a wetting agent or a dispersing agent during or after precipitation of the resulting barium sulfate as is presently claimed, and the Boulet process will not produce a coated particle.

Boulet fails to teach:

- (i) particulate barium sulfate in which at least 90% of the particles have a primary grain diameter of less than 0.1  $\mu\text{m}$ ;
- (ii) providing a wetting agent or a dispersing agent during or after precipitation of the resulting barium sulfate; and
- (iii) a process for producing coated barium sulfate.

The cited reference fails to teach all of the elements of the claimed invention. Further, there is no suggestion or motivation provided to modify the teachings of Boulet so as to arrive at the presently claimed process. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claims 14-16 under 35 U.S.C. §§ 102 or 103 as anticipated by or obvious over claims British 2,134,094 (Shinozuka et al.) is respectfully traversed.

Claims 14-16 all recite particulate, coated BaSO<sub>4</sub>. Further, these claims are all ultimately dependant upon claim 1 which requires the use of a wetting agent or a dispersing agent. Shinozuka does not describe the addition of a wetting agent or the use of a dispersing agent, nor that the resulting product might contain such an agent. Dispersants are "generally polyelectrolytes that are readily soluble in water." See Ullmann's Encyclopedia of Industrial Chemistry, Vol. 8 (1987), page 586, chapter 5.1 (attached hereto). Silica is not readily soluble, rather it is insoluble in water. Thus, silica is not a dispersant. Silica is also not a wetting agent, as a wetting agent is an agent having tensile properties. Shinozuka discloses barium sulfate coated with silica which is neither a wetting agent nor a dispersant. This coating is not made by adding a wetting agent or a dispersant, rather it is made by adding silicate to a barium sulfate which necessarily comprises an excess of barium ions (Shinozuka, page 1, lines 59-60) precipitating barium silicate and destroying this precipitated barium silicate by adding acid, to form a silica coating.

Further, reviewing Shinozuka, one of skill in the art would understand that it is absolutely necessary that barium silicate be formed; see page 1, the last full paragraph. There, Shinozuka describes that if there is too little barium silicate, an insufficient amount of barium silicate deposits. Thus, the coating of Shinozuka requires a sufficient amount of barium silicate. The presently claimed product requires no barium silicate, rather it uses a wetting agent or dispersant.

Further differences between the two processes are that the Shinozuka process requires an excess of barium ions in the precipitated intermediate. Without such an excess, barium silicate will not form. In the presently claimed process, and products of that process, an excess of sulfate may be advantageous (see paragraph [0016]). Thus, the presently-claimed method produces a coated product comprising a wetting agent or a dispersant where the Shinozuka patent would be unable to produce its silica-coated barium sulfate.

Accordingly, Shinozuka fails to teach or suggest a product as set forth in claims 14-16 and the claims cannot be rendered obvious by this reference. Reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claims 1-16 under 35 U.S.C. § 112, first paragraph, as failing to satisfy the written description requirement is respectfully traversed.

To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail so that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. See, e.g., *Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319, 66 USPQ2d 1429, 1438 (Fed. Cir. 2003). An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997).

Paragraph [0006] of the specification has been amended to recite that at least some of the intermeshing tools are mounted on at least one rotor which rotates at a rotational speed of at least 2000 rpm. Claim 1, as originally filed recited this element of the claims. Further, the rotor speed of from 2000 to 8000 rpm is described in paragraph [0012] of the originally-filed specification, as is the suitability of devices which operate at a high speed. Accordingly, this element was properly supported by the originally-filed disclosure and claims. The MPEP states that:

Application No. 10/823,555

Reply dated April 4, 2005

Response to Office Action dated November 2, 2004

There is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. In re Wertheim, 541 F.2d 257, 263, 191 USPQ 90, 97 (CCPA 1976) ("we are of the opinion that the PTO has the initial burden of presenting evidence or reasons why persons skilled in the art would not recognize in the disclosure a description of the invention defined by the claims").

Because the claims and specification already supported this element, these amendments to the specification do not introduce any new matter. As a result the claims are properly supported and the written description rejection cannot be properly maintained. Reconsideration and withdrawal thereof are respectfully requested.

### **CONCLUSION**

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

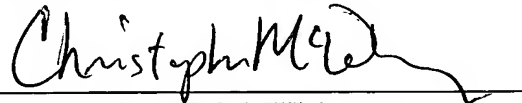
If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Application No. 10/823,555  
Reply dated April 4, 2005  
Response to Office Action dated November 2, 2004

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #037126.51801C1).

April 4, 2005

Respectfully submitted,

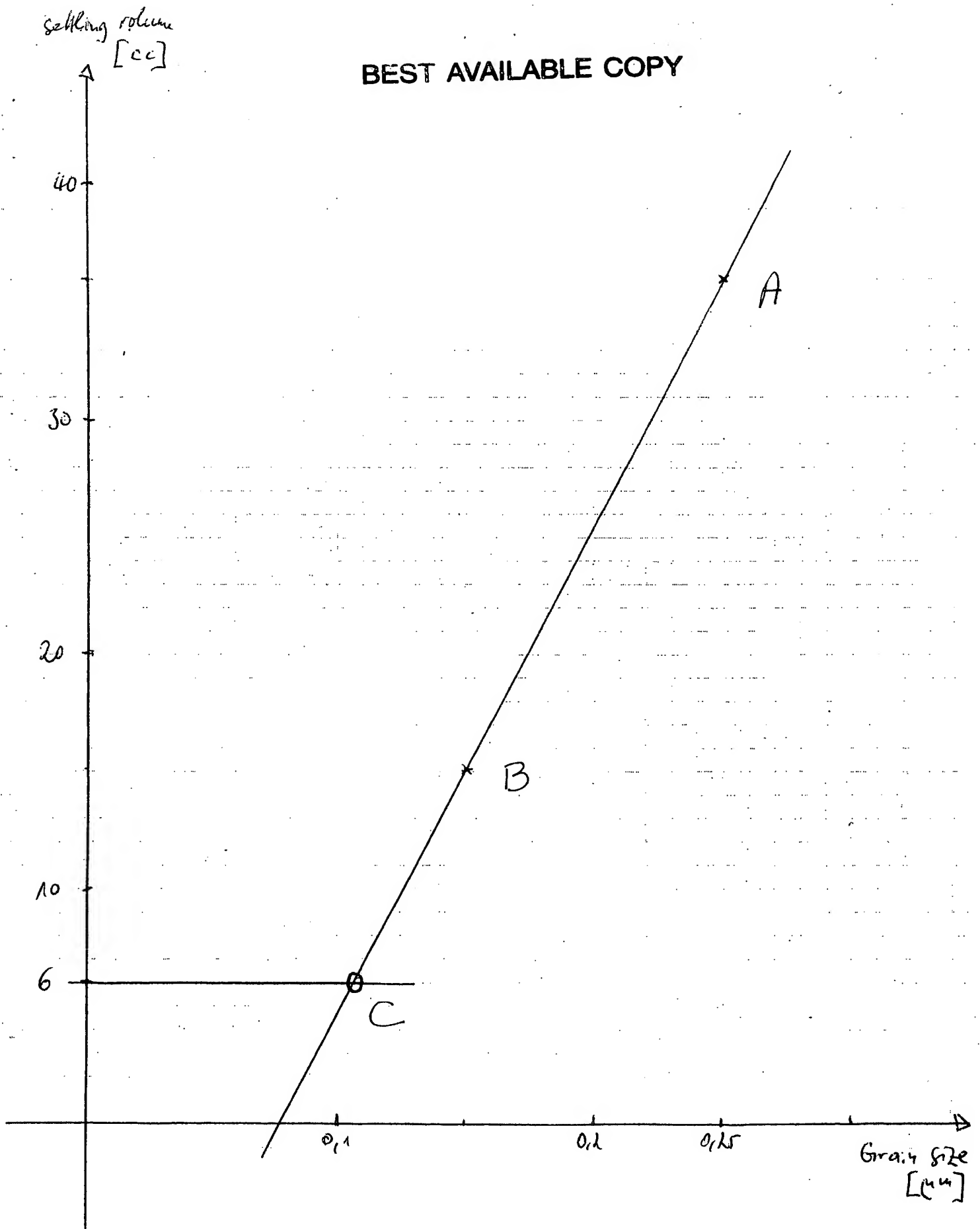
A handwritten signature in black ink, appearing to read "Christopher McWhinney", written over a horizontal line.

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Corrosion, treated in the F  
Cortisone → Hormones  
Corundum → Abrasives; -  
Cosmetics → Skin Cosmeti  
Cotton → Cellulose  
Cottonseed Oil → Fats and  
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Cracking → Oil Refining  
Crayons → Drawing and V  
Crude Oil → Oil and Gas  
Cryogenic Technology, tre  
Crystallization, Industrial,  
in the B-Series  
Crystallography, X-ray, tr  
B-Series  
Cumene → Hydrocarbons;  
Curium → Transuranium I  
Cyanic Acid → Cyanates, I  
Cyanides → Cyano Compe  
Cyanine Dyes → Methine  
Cyano Compounds, Orgar  
Cyanoacetic Acid → Malo  
2-Cyanoacrylate → Acrylic  
Cyanohydrins: Acetone Cy  
→ Acetone  
Cyclamate → Sweeteners  
Cyclooctadiene → Cycloodo  
and Cyclooctadiene

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- 3) *Electric fields* result in the particles being discharged.
- 4) *Desorption of dispersant particles* can be achieved by precipitating them or by displacing or detaching them from the particle surface. The dispersants can be precipitated by using flocculating agents or by decreasing the solubility of the dispersant either by adding a salt or by changing the pH. The addition of a less effective dispersant may displace the more effective one. The adsorption of the dispersant by competing adsorption to another substance also leads to dispersant detachment.
- 5) *Mechanical loads*, particularly a *shearing load*, may destroy a dispersion.
- 6) *Freezing* may destroy the dispersion.

## 5. Dispersants

**Definitions.** *Dispersants* are products or mixtures of products that can promote the formation of a dispersion or stabilize a dispersion. The term *dispersion* is applied to a system of several phases in which one is continuous and at least one other is finely distributed [53]. The preparation of a dispersion is called *dispersal*.

A dispersant generally does not change the solubility of the substance to be dispersed. In contrast, *hydrotropic substances* increase the solubility of a substance that is sparingly soluble in water; the more general term is a *lyotropic substance* [54]. Whenever the additive is a surfactant, the term *solubilization* is used [55]. *Sequestration* occurs when sparingly soluble salts are solubilized by chelating their cations [54]. In practice, no sharp division exists between dispersants (no solubilization) and lyotropic substances (significant solubilization). In general usage, the term *dispersant* is used for a product that can disperse sparingly soluble solids in liquid phases and keep them finely dispersed [56]. In the strict sense, it is more precise to use the term *suspending agent* whenever a solid is finely dispersed in a liquid ( $\rightarrow$  Emulsions).

The term *flocculation protection* describes a dispersant used to prevent a solution from turning into a colloidal dispersion or becoming turbid [54], [58]. The re-formation of a stable dispersion from flocks or aggregates is called *peptization* or *deflocculation* [54].

In a dispersion of solid particles, such primary particles as agglomerates and aggregates may be encountered. *Agglomerates* are combinations of coalesced particles that can be redispersed. In contrast, *aggregates* can no longer be dispersed because the particles have, for example, undergone intergrowth [57].

## 5.1 Dispersant Classes

Dispersants are generally polyelectrolytes that are readily soluble in water. The most common representatives are alkali-metal polycarbonates, polysulfonates, or polyphosphates, usually sodium salts. The use of lignin sulfonates and of condensation products of aromatic sulfonic acid with formaldehyde is very widespread.

At present, polyphosphates are still used in the detergent industry, e.g., for colloiddally dispersing dirt detached from the fibers and for sequestering calcium and magnesium ions in the detergent liquor. In low-phosphate detergents, polyphosphates are completely or partially replaced by zeolites ( $\rightarrow$  Detergents) [59]. Polycarbonates have also been proposed for this purpose [60]. The structural details of common dispersants have not yet been fully elucidated; therefore, only schematic structures are given in the following for the various dispersants. In the case of formaldehyde reaction products, the degree of condensation is not known since. When two to ten aromatic nuclei are linked together, there is no reliable method known for determining the molecular mass.

### 5.1.1. Lignin Sulfonic Acids

Lignin sulfonic acids [8062-15-5] are made from native lignin [9005-53-2]. Two different starting materials are available: (1) lignin made from sulfite pulping and (2) lignin made from alkaline (kraft) pulping of wood ( $\rightarrow$  Lignin). In the first case, the sulfite waste liquor is purified and marketed as a liquid or a solid. Lignin from kraft pulping is first purified and then sulfonated.

Industrial lignin sulfonates are globular colloids with molecular masses between 2000 and 100 000 whose structures have not yet been fully elucidated. Their basic structural unit is phenylpropane. The structural formula shows five structural units linked with the parent unit in various ways (Fig. 10) [61]. The degree of sulfonation varies between 0.3 and 1.0 sulfite groups per phenylpropane unit [57].

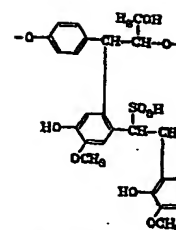


Figure 10. Partial at

The suitability of industrial products for the degree of sulfonation, and molecular masses. In addition, during mill lignin sulfonates dispersions stable properties are achieved and chemical treatment ( $\rightarrow$  Lignin).

**Ultrafiltration** be used to separate molecular mass fractions. Products with an increased molecular mass are produced by a [62]. Dispersants can be prepared by the sulfonic acid [63].

Lignin sulfonates are products of sulfonation of lignin. On the other hand, sulfonic acid groups; these products add a hydrophobic surface. Highly sulfonated products are separated by Brown. Therefore, thermal treatment by using d lignin with few ( $\rightarrow$  Lignin). Leveling agents have been prepared by reaction with various monofunctional (alkanes) or bifunctional (aromatic diamines) reaction products have dispersants for paint [67]. For example, a protective colloid [63] is a sulfonic acid with anil

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4-C-methyl-3-(methylamino)- $\beta$ -L-arabinopyranosyl-(1 $\rightarrow$ 6)]-O-[2,6-diamino-2,3,4,6-tetra-desoxy- $\alpha$ -D-glycero-hex-4-enopyranosyl-(1 $\rightarrow$ 4)]-2-desoxy-N<sup>1</sup>-ethyl-D-streptamin, C<sub>21</sub>H<sub>41</sub>N<sub>5</sub>O<sub>7</sub>, MG. 475,60. Das halbsynthet. N. ist auch verwandt mit \*Gentamycin u. hat ähnliche nephro- u. ototox. Nebenwirkungen wie dieses. - E netilmicin - F netilmicine - I = S netilmicina

Lit.: Arch. Int. Pharmacodyn. Ther. 233, 343 (1978) □ Arch. Otolaryngol. 104, 579 (1978) □ Drugs 27, 548-578 (1984) □ Martindale, S. 105, 271f. - [Z 294190; CAS 56391-56-1]

Nettoretentionsvolumen, -zeit s. HPLC.

Netz s. Netzebene u. Vernetzung.

Netzebene (rationale Ebene). Die Ergebnisse der Röntgen- od. \*Kristallstrukturanalyse sowie theoret. Erwägungen haben gezeigt, daß die einfachsten Bausteine der \*Kristalle nicht willkürlich, sondern nach bestimmten Regeln in gleichmäßigen Abständen angeordnet sind (s. Abb., Teila).

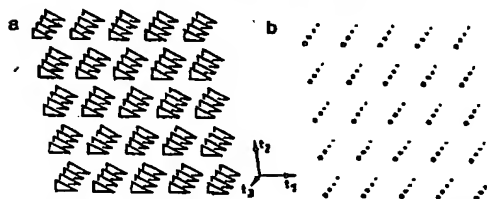


Abb.: Ausschnitt aus einem allg. homogenen Kristallmuster (a) u. seinem zugehörigen Raumgitter (b); nach Buerger (L.R.).

Mathematiker, Mineralogen u. Physiker haben sich mit der theoret. Erforschung solcher regelmäßigen Anordnungen beschäftigt u. nachgewiesen, daß es 230 symmetrieverchiedene period. Anordnungsmöglichkeiten von Punkten (s. a. Raumgruppen) gibt, die man als Raumgitter (s. Kristallgeometrie) od. räumliche Punktgitter bezeichnet (s. Abb., Teil b). Tatsächlich entsprechen die Schwerpunkte der einfachsten Bausteine der Krist. (Ionen, Atome od. Mol.) solchen regelmäßigen Punktanordnungen, die man sich auf einer Geraden als Punktreihe, in einer Ebene als N. u. schließlich im Raum als Raumgitter vorstellen kann. Die Bez. N. rührt daher, daß diese Ebene - definiert durch drei nicht auf einer gemeinsamen Geraden liegende Gitterpunkte - zwei nicht parallele \*Translationen T u. T' aufweisen muß u. damit gleichmäßig - etwa nach Anordnung der Knoten eines Fischernetzes - mit Gitterpunkten überdeckt ist. Mit einer derartigen N. als Motiv u. einer geeigneten Translation des Gitters als Erzeugungsoperator entsteht eine Schar dazu paralleler N., deren Abstände zueinander ident. sind (Identitätsperiode d). Zur Beschreibung von N. dienen die \*Millerschen Indizes (hkl) (s. a. Kristallgeometrie, Abb. 3). - E lattice plane - F plan réticulaire - I piano reticolare (razionale) - S plano reticular

Lit.: Buerger, Kristallographie, Berlin: De Gruyter 1977 □ s. a. Kristallographie.

Netzmittel (Benetzungsmittel). Natürliche od. synthet. Stoffe, die in Lsg. die \*Oberflächenspannung

(allg. \*Grenzflächenspannung) des Wasser od. anderer Flüssigkeiten herabsetzen, so daß diese in die Oberflächen fester Körper (z. B. Textilfasern) eindringen u. sie unter Verdrängung der Luft durchtränken u. benetzen können. Beisp. für techn. Prozesse, bei denen N. Verw. finden sind: Waschen, Reinigen, Dispergieren, Färben, Gerben, Beschichten, Schmieren, Imprägnieren, Kleben, Desinfizieren, Feuerlöschen, Flotieren etc. Die als N. eingesetzten Stoffe sind ihrer Natur nach \*grenzflächenaktiv u. werden unter dem Stichwort \*Tenside näher erläutert. Unter den Einzeltensiden stellen die \*Alkylbenzolsulfonate bes. effektive N. dar. Gewöhnlich werden kurze Benetzungszeiten jedoch durch synergist. Kombination von verschiedenen, als Einzelstoffe in der Regel eher mäßiger N. erreicht. Das Netzvermögen der N. wird gewöhnlich nach der \*Tauchnetzmethode (DIN 53901) bestimmt. - E wetting agents - F agents mouillants - I sostanza umettante - S agentes mojanates, humectantes. → Bd. 8.

Lit.: s. Grenzflächen u. Tenside.

Netzschwefel. Fein pulverisierter Schwefel, der unter Zusatz von \*Netzmitteln in starker Verdünnung als fungizides Spritzmittel gegen echten Mehltau u. Fusicladium-Schorf sowie gegen einige Milbenarten verwendet wird. - E wettable sulfur - F soufre mouillable - I zolfo umettante - S azufre humedecible

Lit.: Perkow □ s. a. Schwefel. - [Z 380820; G 4]

Netzwerkdichte s. polymere Netzwerke.

Netzwerke s. polymere Netzwerke.

Neu. Von der \*IUPAC u. \*IUB empfohlenes Kurzz. für \*Neuraminsäure.

Neuartige Waldschäden s. Waldschäden.

Neuberg, Carl (1877-1956), Prof. für Biochemie, Berlin u. New York. Arbeitsgebiete: Kohlenhydrat-Stoffwechsel, Biochemie der Gärungsvorgänge, Enzymwirkung, Carboxylase.

Lit.: Adv. Carbohydr. Chem. 13, 1-3 (1958) □ Chem. Ber. 94, 1-VI (1961) □ Nachmansohn, S. 292ff. □ Neufeldt, S. 125, 135.

Neuberg-Ester. Histor. Bez. für D-Fructose-6-phosphat, s. D-Fructose u. Glykolyse. - E Neuberg ester - F ester de Neuberg - I estere di Neuberg - S éster de Neuberg.

Neubergs Reagenz s. Naphthylisocyanat.

Neuburger Kieselerde (nicht: Kreide). Feinmehliges weißes Gemenge aus (viel) \*Quarz u. (weniger) \*Kaolinit (CaO-Gehalt unter 0,5%). Die N.K. ist wahrscheinlich am Boden eines Flachmeeres abgelagert worden. Name nach dem Hauptvork. bei Neuburg/Donau. N.K. wird zur Herst. von Putz-, Schleif- u. Poliermitteln, als Zusatz zu Gummi, Kunststoffen, Kabeln, Elektroden usw. verwendet. - E Neuburg chalk - F silice de Neuburg - I terra silicea di Neuburg - S silice de Neuburg

Lit.: Wirtschaftsvereinigung Bergbau e. V. Bonn (Hrsg.), Das Bergbau-Handbuch, S. 264, Essen: Glückauf 1983.

Neudosan. Kalium Spritzmittel gegen Fliege, Rote Spin Zierpflanzen u. -ge KG.

Neudo-Vital. Natü trakte als Stärkung standsfähigkeit vor Kirschen gegen Mo Fruchtfäule, von Er von Rosen gegen M W. Neudorff GmbH

Neufuchsin (3,3' MG. 365,91. Mit \* than-Farbstoff (vgl. eine Nuance blaust. Grüne Nadeln, enth. H<sub>2</sub>O, in Wasser mäßi Verw.: Farbstoff für gie, kation. Farbstoff trit-Fasern u. Papier fuchsin - F néofuchsin - F néofuchsin

Lit.: Beilstein E III 13, 21 - [CAS 3248-91-7]

Neugelb s. Bleichron

Neugewürz s. Piment

Neugrün s. Schweinf

Neumann, Franz E. Physik u. Mineralogie Krist.-Physik, Kristall Molwärme), opt. De Metallflächen, Dispersion.

Lit.: Kraft, S. 252f. □ Naturwissenschaftler, S. 2 Lex. Phys., S. 1140 □ Neu

Neumann, Wilhelm Pa Chemie, Univ. Dortmund org., insbes. Zinn-org. Analoga, Chemie freier genzen für die org. Syr Lit.: Kürschner (15), S. 32

Neumann-Koppische R

Neuner. In der Werk geläufige Bez., mit der \*Metallen od. Gasen hochreine Metalle.

Neuperm®. Versteifungs Ind. auf der Basis vo Kondensaten. B.: Fettch Neupert, Walter (geb. 1 Chemie, Univ. Göttingen, log. Chemie, Physik. I Arbeitsgebiete: Struktur u drien, intrazellulärer Prot Proteinen.

Lit.: Kürschner (15), S. 3245

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